

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 9, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:060D-102

Oahu

Withdrawal of Two Parcels from Governor's Executive Order No. 3765, State Parks, Kahana Bay Beach Park, Reset Aside to the Department of Transportation, Highways Division for the North Kahana Stream Bridge Replacement Project No. BR-083-1(53), Kahana, Oahu, Tax Map Key 5-2-05:003. Issuance of a Perpetual Non-exclusive Easement to the Department of Transportation over Governor's Executive Order 3765 and Governor's Executive Order 3518 for Highway Purposes, Tax Map Key 5-2-02:001 and Tax Map Key 5-2-05:003. Issuance of Right-of-Entry, Construction Purposes over Governor's Executive Order 3518 and Governor's Executive Order 3765, Kahana, Oahu, Tax Map Key 5-2-02:001 and Tax Map Key 5-2-05:003.

CONTROLLING AGENCY

Department of Land and Natural Resources (DLNR), Division of State Parks.

APPLICANT

Department of Transportation (DOT), Highways Division.

LEGAL REFERENCE:

Section 171-11,13,55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kahana situated at Kahana, Koolauloa, Oahu, identified by Tax Map Key: 5-2-02:001 and Tax Map Key 5-2-05:003, as shown on the attached maps labeled Exhibits A,B,C.

AREA:

Withdrawals from Governor's Executive Order No. 3765:

Parcel No. 1, 234 sq. ft., Tax Map Key 5-2-05:003
Parcel No. 2, 5,208 sq. ft., Tax Map Key 5-2-05:003

Parcels to be set aside to the Department of Transportation,
Highways Division for highway purposes:

Parcel No. 1, 234 sq. ft., Tax Map Key 5-2-05:003.
Parcel No. 2, 5,208 sq. ft., Tax Map Key 5-2-05:003.

Perpetual Non-exclusive Easement to be conveyed to the Department
of Transportation, Highways Division for highway purposes:

Easement No. 1 (Makai), 40 sq. ft., Tax Map Key 5-2-05:003.
Easement No. 2 (Mauka), 3,950 sq. ft., Tax Map Key 5-2-02:001.
Easement No. 3 (Makai), 176 sq. ft., Tax Map Key 5-2-05:003.
Easement No. 4 (Makai), 470 sq. ft., Tax Map Key 5-2-05:003.

Construction Rights of Entry to be issued to the Department of
Transportation, Highways Division for highway purposes.

Construction Parcel No. C2 (Mauka), 4,000 sq. ft., Tax Map Key
5-2-02:001.
Construction Parcel No. C1 (Makai), 29,670 sq. ft., Tax Map Key
5-2-05:003.

ZONING:

State Land Use District: Conservation
County of Honolulu CZO: Preservation

TRUST LAND STATUS:

Acquired after Statehood

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Governor's Executive Order No. 3765, issued May 26, 1999,
setting aside 8.364 acres to the Department of Land and Natural
Resources, Division of State Parks for park purposes. Governor's
Executive Order No. 3518, issued July 10, 1991, setting aside
5,248.186 acres to the Department of Land and Natural Resources,
Division of State Parks for park purposes.

PURPOSE OF SET ASIDE:

Highway purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Final Environmental Assessment (FEA) and Finding of No
Significant Impact (FONSI) for the Kamehameha Highway Replacement
of North Kahana Bridge (Federal Aid Number: BR-083-1(53)) was
published in The Environmental Notice on April 23, 2005.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at Applicant's own cost;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The Department of Transportation (DOT) plans to demolish the existing North Kahana Stream Bridge, originally completed in 1927, and replace it with a new bridge. The necessity of the proposed replacement arises from age deterioration and a lack of compliance with current live load, seismic and safety requirements. Based on FHWA guidelines, the existing North Kahana Stream Bridge has a Sufficiency Rating of 30 and is eligible for the replacement. The purpose of this project is to provide a safe facility for all motorists, pedestrians and bicyclists using Kamehameha Highway in Kahana.

The project is approximately located between milepost 26.35 to 26.39 on Kamehameha Highway near the Kahana Valley State Park entrance. The new bridge will be 43 feet wide and 120 feet long and will be a three-spanned concrete structure supported by two center piers and abutments at both ends. The proposed project will also involve the construction of a detour road with a temporary bypass bridge and new bridge roadway approaches. The proposed replacement bridge will consist of two vehicular travel lanes complete with paved shoulders on either side.

In connection with the construction of the proposed highway project, DOT requests approval by the Board of Land and Natural Resources for the withdrawal of the two parcels, listed above in the Area section as parcel 1 (234 sq. ft.) and parcel 2 (5,208 sq. ft.), from Governor's Executive Order 3765. These two parcels will then be set aside by Governor's Executive Order to DOT for highway purposes.

Governor's Executive Order 3765 was issued to the Department of Land and Natural Resources, Division of State Parks (State Parks) on May 26, 1999 for park purposes. State Parks has no objections to the transfer. Since State Parks received funding for beach improvements within the area demised by Governor's Executive Order 3765 from the Federal National Park Service, they requested approval for this withdrawal. It was granted by the Federal National Park Service without the requirement of replacement acreage back into the Kahana State Park.

DOT is requesting approval for the issuance of a perpetual non-exclusive easement, listed above in the Area section for highway purposes.

Easement No. 1 is required for sub-surface drainage outlet purposes and will be located in the area set aside by Governor's Executive Order No. 3765.

Easement No. 2 is required for stream bank stabilization and roadside slope grading purposes and will be located in the area set aside by Governor's Executive Order No. 3518.

Easement No. 3 is required for sub-surface drainage outlet purposes and will be located in the area set aside by Governor's Executive Order 3765.

Easement No. 4 is required for the relocation of a bus pad and will be located in the area set aside by Governor's Executive Order 3765.

DOT is also requesting the issuance of a temporary Construction Right of Entry for two parcels. Construction Parcel C1 is required for a temporary detour road for the duration of the project and is located within Governor's Executive Order No. 3765. Construction Parcel C2 is required for bridge and roadside construction purposes for the duration of the project and is located within Governor's Executive Order No. 3518.

Agency Comments:

State Parks has informed us that their concerns regarding park access, the temporary use of Park land for the detour road, and the restoration of the Park upon completion of the project have been addressed. State Parks has no objections for the withdrawal of land from the Kahana State Park for the North Kahana Bridge Replacement. DOT requires the land to provide for highway related drainage improvements and an ADA compliant bus pad.

The Commission of Water Resource Management of DLNR has informed us that a Stream Channel Alteration permit for this project (SCAP-OA-384) has been approved by the Commission of Water Resource Management on December 16, 2005.

The Office of Conservation and Coastal Lands of DLNR has informed us that the subject project received a Conservation District Use Permit (CDUP)OA-3230 on October 14, 2005.

The Division of Aquatic Resources of DLNR has informed us that Kahana Stream and Kahana Bay support a wide range of native fresh water and marine species. The State Park is a popular recreational area, and the adjacent huilua fishpond is an important cultural site. Every effort should therefore be made to mitigate impacts of the construction activities to the extent possible.

Staff believes that it is beneficial for the community and for State Parks that the North Kahana Stream Bridge be demolished and replaced with a new bridge. This is a highly used area of the island and a new bridge will insure the safety of the public and the users of Kahana State Park. Staff respectfully requests the approval of this submittal.

RECOMMENDATION


That the Board does the following:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing 5,442 sq. ft. from Governor's Executive Order No. 3765 and subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Transportation, Highways Division under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Subject to the applicant fulfilling all of the applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the Department of Transportation, Highways Division for highway purposes under the terms and

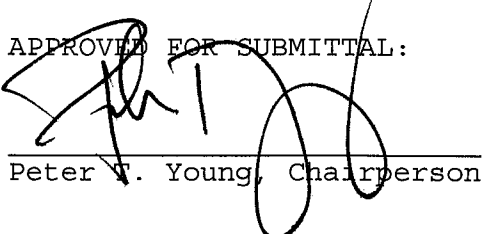
conditions cited above, which are by this reference incorporated herein and further subject to the following:

- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the issuance of a right-of-entry permit to the Department of Transportation, Highways Division covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 2. Review and approval by the Department of the Attorney General;
 3. The area shall be maintained to the satisfaction of the Department of Land and Natural Resources.
 4. All abandoned vehicles, equipment and material of any kind not utilized in conjunction with the construction project for the North Kahana Stream Bridge Replacement project No. BR-083-1(53) shall be removed by the Department of Transportation at its expense.
 5. The right-of-entry permit shall be utilized only during the duration of the construction project for the North Kahana Stream Bridge Replacement Project No. BR-083-1(53).
 6. Such other terms and conditions as may be prescribed by the chairperson to best serve the interests of the State.

Respectfully Submitted,


Cecil Santos
Oahu District Land Agent

APPROVED FOR SUBMITTAL:

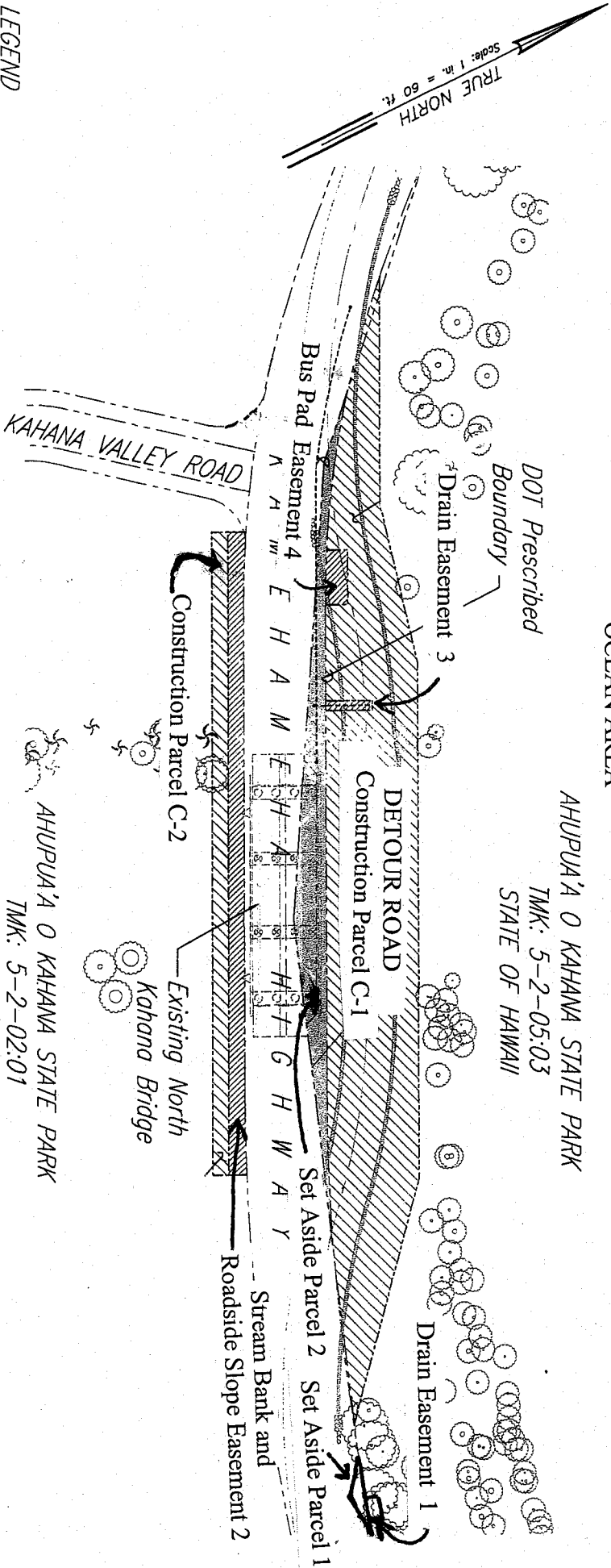
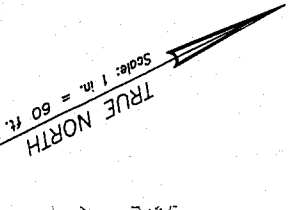

Peter F. Young, Chairperson

OCEAN AREA

AHUPUA'A O KAHANA STATE PARK

TMK: 5-2-05:03

STATE OF HAWAII



LEGEND

Land Acquisition-between DOT prescribed and property line
(5,208 Sq.Ft. = 0.12 acres)

Permanent Easements
(4,721 Sq.Ft. = 0.1056 acres)

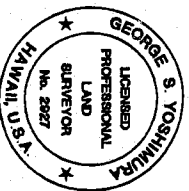
Construction Parcels A & B
(33183 Sq.Ft. = 0.76 acres)
A = 29,183 Sq.Ft. = 0.67 acres
B = 4,000 Sq.Ft. = 0.09 acres

EXHIBIT MAP (DETOUR ROADWAY)

KAHANA, KOOLAULOA, OAHU, HAWAII

AHUPUA'A O KAHANA STATE PARK
TMK: 5-2-02:01
STATE OF HAWAII

841 Bishop Street
Honolulu, Hawaii
March 3, 2004



M & E Pacific, Inc.

Licensed Professional Land Surveyor
Certificate No. 2927 Exp. 4/30/04

EXHIBIT "A"

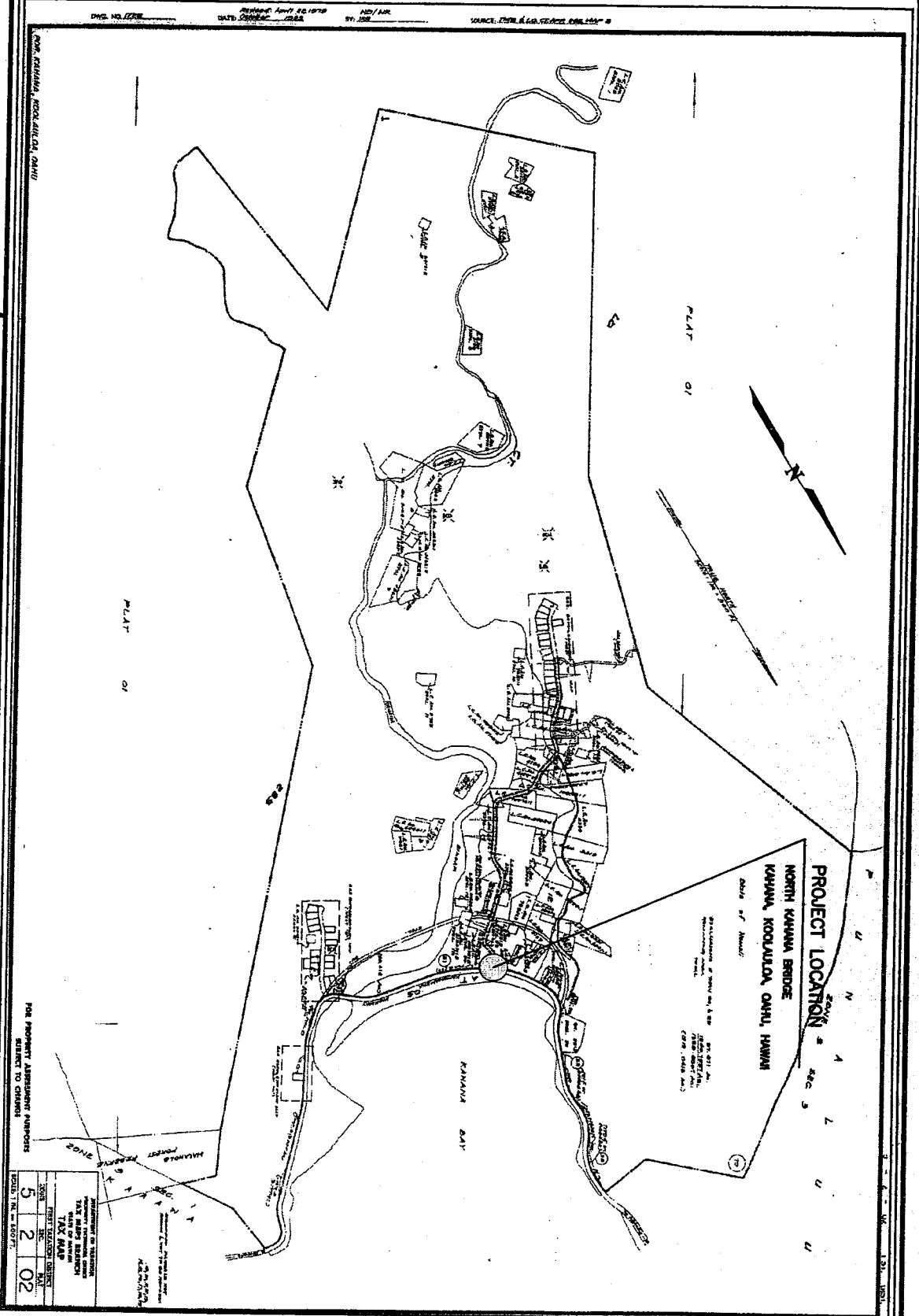


EXHIBIT "B"

M&E Pacific, Inc.

Davies Pacific Center
841 Bishop Street
Suite 1900
Honolulu, Hawaii 96813

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION - HIGHWAYS DIVISION
KAMEHAMEHA HIGHWAY
REPLACEMENT OF NORTH KAHANA BRIDGE
KAHANA, KOOLAUPA, OAHU, HAWAII

FIGURE 4A
TAX MAP KEY MAP 1 (5-2-002)

